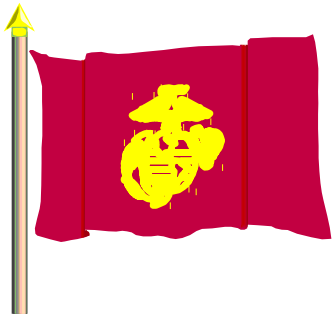
First Sergeant Course

Non-Judicial Punishment and Counseling Procedures



Educational Objectives (NJP):

- Understand the responsibilities of the 1stSgt.
- Understand the responsibilitites of the Company Commander.
- Understand the procedures for advising a Marine of their rights under Art 31 of the UCMJ.
- Counseling: IRAM vs. MARSEPMANUAL.

NJP:

- Investigations complete.
  - CID, NCIS, JAG, PRELIM INQUIRY, etc...
- All options weighed (by CO and 1stSgt).

The 1stSgt:

Notifies the Marine that the CO is contemplating holding NJP for a specific charge. (Legal services if app).

Documentation:

- UPB entry (NAVMC 10132)
- Service Record Page 12 (NAVMC 118) "Booker" statement.
- Notification & Election of rights for NJP.
- Alleged Offenses.
- Appeal Rights Form.
- Other paperwork attached to NJP package.

Notetaker/Recorder

Ensure that you assign a Marine to take notes during the NJP.

Notes can be turned in to the BN Legal Office for file purposes.

The CO:

Holds NJP.

The 1stSgt:

Verifies that the punishment was proportionate, advises the Marine of appeal rights, has the Marine sign all documentation, and then forwards it to BN Legal/UD.

If referred to BN CMDR or Court Martial, coordinate via the BN Sgt Major/BN Legal.

*****SAMPLE NJPS*****

NAVMC 10132 (UPB)

- Blk 6: SNM signs & Dates - ART 31 Rights.
- Blk 7: CO signs & dates - Afforded Rights.
- Blk 8: Final Disposition (punishment).
- Blk 9: Suspended punishment.
- Blk 11 & 12: CO signs & dates - minor charges statement (Art 15 relation).
- Blk 13: CO signs & dates - Advised to rights of appeal.
- Blk 14: SNM signs & dates right to appeal.
- *REMARKS*: CO's remarks. (Refer to)

Summary of Vacation Proceedings

- Use local letter or form.
- Document the charge causing vacation of suspended punishment.
- Document the date of original NJP; who it was conducted by; and the punishment suspended.
- "IS PUNISHMENT FOR THE ADDITIONAL OFFENSE CONTEMPLATED?"
- "WAS THE THE ACCUSED PERMITTED TO APPEAR BEFORE THE CO?"
- CO signs (within maximum punishment allowances). ***FORWARD TO LEGAL/UD***!
- Right to appeal does not apply.

Page 11 Counseling:

- Pattern of misconduct or ADSEP:
  - Individual Records Admin Manual (IRAM).
    - Regular page 11 wording.
  - Marine Corps Separation and Retirement Manual (6105).
    - Infraction counseling.

Sample 6105 Page 11

- 990618: T&ECtrCo, H&S BN, MCB Quantico: I was counseled this date concerning (deficiency). The following corrective action is recommended...(***and Obey all articles of the UCMJ***). Assistance is available through my chain of command. Failure to take corrective action may result in limitation of further service, administrative action, and/or processing for administrative separation. I have been advised that within 5 working days after acknowledgment of this entry a written rebuttal can be submitted and such a rebuttal will be filed on the document side of my service record. I choose (to) (not to) make such a statement.

- SNM _____ CO _____

Refusal to sign a page 11 per the IRAM:

- Enter "Marine refuses to acknowledge this entry".
  - By refusing, the Marine forfeits the opportunity to make a rebuttal statement.

QUESTIONS???

In The Beginning...
There was Chaos,
For the Infantry was Alone.
ROAR!!!
ROAR!!!
ROAR!!!
Club, Attack 1A

References:

- Manual Court Martial
- IRAM
- MC Sep & Retirement Manual